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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/222,037	12/29/98	ISEI IN	TEN-301

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QM41/0510

EXAMINER	
MOEAN, K	
ART UNIT	PAPER NUMBER
3741	

DATE MAILED:

05/10/99

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.

09/222,037

Applicant(s)

Iselin

Examiner

Kate Moran

Group Art Unit

3741



☒ Responsive to communication(s) filed on Dec 29, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-22 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-7, 11-20, and 22 is/are rejected.

☒ Claim(s) 8-10 and 21 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 11-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Dzierson et al. Dzierson et al. disclose the invention as claimed. Dzierson et al. teach a device 10 comprising a glove 12 with a palm region 22 and a back region, as well as a receptacle 14 with a base 20 and a sleeve which define a cavity 16 into which a container 52 may be at least partially inserted. The receptacle 14 also has an upper collar portion 18 which is spaced apart from the base (Figure 1) and is formed of a flexible material which inherently takes the shape of the container which it receives. Further, Figure 1 also shows that the collar portion 18 includes a fastening mechanism 26. Receptacle 14 is also selectively positionable between a first position in which the palm region 22 is between the back region and the sleeve, and a stowed position in which the back region is between the palm region 22 and the sleeve. Or, in the alternative, receptacle 14 is positionable between a first position in which the sleeve is proximate the palm region 22 and a stowed position in which the sleeve is proximate the back region of glove 12. The hook fastener 36 could be placed proximate the back region of glove 12 and would be held

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in place by the terrycloth loops of the glove 12. Receptacle 14 is coupled to glove 12 by means of a fixed fastening mechanism 24,26 in the form of hook and loop elements which are sewn to the glove 12 and receptacle 14, respectively. Mechanisms 24,26 provide a selectively releasable means of coupling the glove 12 and receptacle 14. With regard to claim 7, col. 3, lines 33-37 disclose that receptacle 14 is insulated. With regard to claim 11, and as discussed above, receptacle 14 includes a collar portion 18 distal the base 20 and a fastening mechanism 30,32 which pivotally couples the receptacle 14 to glove 12 and allows receptacle 14 to be selectively removed from glove 12 and recoupled. With regard to claims 18 and 19, the entire surface, including the back region, of receptacle 14 is adapted to present a message for viewing. With regard to claim 20, device 10 contains a hinge structure means in the form of hook and loop elements 24,26 providing a bilaterally positionable receptacle 14 such that the receptacle 14 can be placed at the palm region 22 as well as at the back region. Device 10 further includes a fastening mechanism in the form of a snap 30,32 which is spaced apart from the hinge structure.

Allowable Subject Matter

3. Claims 8-10 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gladman et al. teaches a carrier for a cylindrical article where the carrier has a hook/loop element attachable to a mating hook/loop element on a clip. Wallace teaches a glove with a pocket for holding mace or other container. Effertz teaches a insulated jacket with cutouts for a hand. Dunton teaches a combination glove and receptacle. Fine teaches a insulated display beverage container. McDougall teaches a sportsman's glove having a muff portion on the back region.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine Moran whose telephone number is (703) 305-0452. The examiner can normally be reached on Monday-Thursday and alternating Fridays from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

Kmm

May 4, 1999

Diana L. Oleksa
Diana L. Oleksa
Primary Examiner